

# ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2001 AUG 10 P 2:41

HERRACIAL GUNN, )  
Plaintiff, )  
v. ) CV 306-039  
DON JARRIEL, et al., )  
Defendants. )

CLERK *L. Flinders*  
S.D. DIST. OF GA.

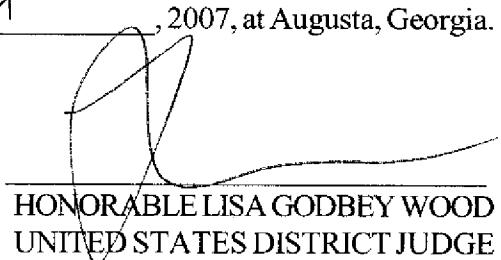
## ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation (doc. no. 25), to which objections (doc. no. 28) have been filed.

Plaintiff objects to the Magistrate Judge's recommendation for dismissal because he claims that service of Defendants named in the original complaint ("Original Defendants") has been hindered by his medical condition and the actions of certain Defendants. (*Id.*) . Although Plaintiff contends that various obstacles have hindered his ability to serve Original Defendants, Plaintiff has prepared and filed several motions in this case since he was informed of the deadline for effecting service. (See doc. nos. 16, 19, 21, 22, 23 & 27). Furthermore, not only does the record lack evidence that Original Defendants evaded service, but Plaintiff has not provided the Court with any details describing his efforts to serve Original Defendants. Thus, Plaintiff's objections are without merit.

Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. (Doc. no. 25). Therefore, Original Defendants are **DISMISSED** without prejudice from the case, Plaintiff's claims against Defendants Georgia Department of Corrections and Medical College of Georgia are **DISMISSED** for failing to state a claim upon which relief can be granted, and this civil action shall be **CLOSED**.

SO ORDERED this 10 day of August, 2007, at Augusta, Georgia.

  
HONORABLE LISA GODBEY WOOD  
UNITED STATES DISTRICT JUDGE